

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

## REPORT AND RECOMMENDATION

The burden is upon the plaintiff to prosecute her case. By setting letter dated October 26, 2012, the pro se plaintiff was ordered to appear for a scheduling conference before U.S. Magistrate Judge Diane K. Vescovo on November 30, 2012. The plaintiff failed to appear. On November 30, 2012, an Order to Show Cause was entered ordering the plaintiff to show cause by December 14, 2012, why the case should not be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The plaintiff was warned that failure to respond to the Order to Show Cause would result in a recommendation to the district judge for dismissal of the lawsuit for failure to prosecute. By setting letter dated December 10, 2012, the show cause hearing was reset to January 4, 2013. The plaintiff again failed to appear or otherwise show cause as to why this matter

should not be dismissed for failure to prosecute.

At the hearing, counsel for defendants Homecomings Financial, LLC; Mortgage Electronic Registration System, Inc.; and Wilson & Associates, PLLC, made an oral motion pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for dismissal with prejudice for failure to prosecute.

Accordingly, it is recommended that this case be dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute.

IT IS SO ORDERED this 4th day of January, 2013.

s/ Diane K. Vescovo  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE